

SEP. 21. 2006 9:45AM
TO: USPTO

ZILKA-KOTAB, PC

NO. 4200 P. 1

ZILKA · KOTAB
PC
ZILKA, KOTAB & FEECE™

RECEIVED
CENTRAL FAX CENTER

SEP 21 2006

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: September 21, 2006	Phone Number	Fax Number
To: Board of Patent Appeals & Interferences	(571) 273-8300	
From: Kevin J. Zilka		

Docket No.: NVIDP376/P002188

App. No: 09/902,929

Total Number of Pages Being Transmitted, Including Cover Sheet: 36

Message:

Please deliver to the Board of Patent Appeals.

Thank you,

Kevin J. Zilka

☒ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER
ANY OTHER DIFFICULTY, PLEASE PHONE Erica
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

September 21, 2006

SEP 21 2006

Practitioner's Docket No. NVIDP376/P002188

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wasiq M. Bokhari et al.

Application No.: 09/902,929

Group No.: 2173

Filed: 07/10/2001

Examiner: Roswell, M.

For: SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR A CONTENT PUBLISHER FOR WIRELESS DEVICES

Mail Stop Appeal Briefs - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF SUBSTITUTE APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 41.37)

1. This brief is in furtherance of the Notice of Appeal filed 05/30/2006, a substitute for the Appeal Brief filed 07/31/2006, and in response to the Notification of Non-Compliant Appeal Brief mailed on 08/22/2006.
2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. (mandatory)

TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date:

9/21/2006

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Transmittal of Appeal Brief--page 1 of 2

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. §1.17(c), the fee for filing the Appeal Brief has already been paid. However, the Commissioner is authorized to charge any fees that may be due to deposit account 50-1351 (Order No. NVIDP376).

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	\$0.00 (previously paid on July 31, 2006)
Total Fee Due	\$0.00

6. FEE PAYMENT

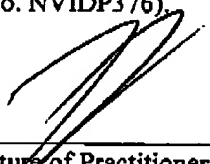
Applicant believes that only the above fees are due in connection with the filing of this paper because the appeal brief fee was paid with a previous submission. However, the Commissioner is authorized to charge any additional fees that may be due (e.g. for any reason including, but not limited to fee changes, etc.) to deposit account 50-1351 (Order No. NVIDP376).

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NVIDP376).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Transmittal of Appeal Brief—page 2 of 2

SEP 21 2006

Practitioner's Docket No. NVIDP376/P002188

**COPY****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Wasig M. Bokhari et al.

Application No.: 09/902,929

Group No.: 2173

Filed: 07/10/2001

Examiner: Roswell, M.

For: SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR A CONTENT PUBLISHER FOR WIRELESS DEVICES

Mail Stop Appeal Briefs - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF SUBSTITUTE APPEAL BRIEF
(PATENT APPLICATION-37 C.F.R. § 41.37)**

1. This brief is in furtherance of the Notice of Appeal filed 05/30/2006, a substitute for the Appeal Brief filed 07/31/2006, and in response to the Notification of Non-Compliant Appeal Brief mailed on 08/22/2006.
2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date:

9/21/2006

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Transmittal of Appeal Brief--page 1 of 2

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. §1.17(c), the fee for filing the Appeal Brief has already been paid. However, the Commissioner is authorized to charge any fees that may be due to deposit account 50-1351 (Order No. NVIDP376).

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	\$0.00 (previously paid on July 31, 2006)
Total Fee Due	\$0.00

6. FEE PAYMENT

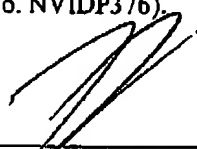
Applicant believes that only the above fees are due in connection with the filing of this paper because the appeal brief fee was paid with a previous submission. However, the Commissioner is authorized to charge any additional fees that may be due (e.g. for any reason including, but not limited to fee changes, etc.) to deposit account 50-1351 (Order No. NVIDP376).

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NVIDP376).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Transmittal of Appeal Brief--page 2 of 2

SEP 21 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Bokhari et al.) Group Art Unit: 2173
)
Application No. 09/902,929) Examiner: ROSWELL, Michael
)
Filed: 07/10/2001) Date: 09/21/2006
)
For: SYSTEM, METHOD, AND)
COMPUTER PROGRAM PRODUCT)
FOR A CONTENT PUBLISHER)
FOR WIRELESS DEVICES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

SUBSTITUTE APPEAL BRIEF (37 C.F.R. § 41.37)

This brief is in furtherance of the Notice of Appeal filed 05/30/2006, a substitute for the Appeal Brief filed 07/31/2006, and in response to the Notification of Non-Compliant Appeal Brief mailed on 08/22/2006 (see attached). While appellant disagrees with the Examiner as to whether the alleged deficiencies exist in the original Appeal Brief, a Substitute Appeal Brief with appropriate edits is nevertheless submitted to expedite prosecution.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

- I REAL PARTY IN INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS

- 2 -

- IV STATUS OF AMENDMENTS
- V SUMMARY OF CLAIMED SUBJECT MATTER
- VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
- VII ARGUMENT
- VIII CLAIMS APPENDIX
- IX EVIDENCE APPENDIX
- X RELATED PROCEEDING APPENDIX

The final page of this brief bears the practitioner's signature.

- 3 -

I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is NVIDIA Corporation.

- 4 -

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals, interferences, or related judicial proceedings.

A Related Proceedings Appendix is appended hereto.

- 5 -

III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-44

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims withdrawn from consideration: None
2. Claims pending: 1-44
3. Claims allowed: None
4. Claims rejected: 1-44
5. Claims cancelled: None

C. CLAIMS ON APPEAL

The claims on appeal are: 1-44

See additional status information in the Appendix of Claims.

- 6 -

IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

As to the status of any amendment filed subsequent to final rejection, there are no such amendments after final.

- 7 -

V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

With respect to a summary of Claim 1, as shown in Figures 1 and 15, a method for managing content for output on a wireless device is provided. In use, content selected for output on a wireless device is displayed on a management screen (e.g. see item 102 of Figure 1, etc.). The content is displayed substantially as it will be displayed on the wireless device. Further, organization of the content (e.g. see item 104 of Figure 1, etc.), formatting of the content (e.g. see item 106 of Figure 1, etc.), creating a link to the content (e.g. see item 108 of Figure 1, etc.), and addition of text for output on the wireless device (e.g. see item 110 of Figure 1, etc.) is allowed. In addition, a preview of a display screen of the wireless device is output. The preview includes both textual and graphical content simultaneously (e.g. see item 1502 of Figure 15, etc.). Also, the preview depicts how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other. Note page 8, lines 7-18; and page 13, lines 21-29, for example.

With respect to a summary of Claim 10, as shown in Figures 1 and 15, a computer program product for managing content for output on a wireless device is provided. In use, content selected for output on a wireless device is displayed on a management screen (e.g. see item 102 of Figure 1, etc.). The content is displayed substantially as it will be displayed on the wireless device. Further, organization of the content (e.g. see item 104 of Figure 1, etc.), formatting of the content (e.g. see item 106 of Figure 1, etc.), creating a link to the content (e.g. see item 108 of Figure 1, etc.), and addition of text for output on the wireless device (e.g. see item 110 of Figure 1, etc.) is allowed. In addition, a preview of a display screen of the wireless device is output. The preview includes both textual and graphical content simultaneously (e.g. see item 1502 of Figure 15, etc.). Also, the preview depicts how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other. Note page 8, lines 7-18; and page 13, lines 21-29, for example.

With respect to a summary of Claim 19, as shown in Figures 1 and 15, a system for managing content for output on a wireless device is provided. In use, content selected for output on a wireless device is displayed on a management screen (e.g. see item 102 of Figure 1, etc.). The

- 8 -

content is displayed substantially as it will be displayed on the wireless device. Further, organization of the content (e.g. see item 104 of Figure 1, etc.), formatting of the content (e.g. see item 106 of Figure 1, etc.), creating a link to the content (e.g. see item 108 of Figure 1, etc.), and addition of text for output on the wireless device (e.g. see item 110 of Figure 1, etc.) is allowed. In addition, a preview of a display screen of the wireless device is output. The preview includes both textual and graphical content simultaneously (e.g. see item 1502 of Figure 15, etc.). Also, the preview depicts how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other. Note page 8, lines 7-18; and page 13, lines 21-29, for example.

With respect to a summary of Claim 28, as shown in Figures 1 and 3, a method is provided for managing content for output on a wireless device. In use, a user is allowed to select content for output on a wireless device. At least a portion of the content selected for output on the wireless device is aggregated in a habitat having views (e.g. see item 302 of Figure 3, etc.). Each of the views has at least one window associated therewith. Further, a user is allowed to define a number of windows associated with a particular view. Each view of the habitat represents content to be displayed in a particular view on the wireless device. In addition, the content is displayed on a management screen (e.g. see item 102 of Figure 1, etc.). A user is allowed to spatially organize the content as it will be output on the wireless device. Also, a user is allowed to create a collection of links to content. The links are output on the wireless device. In addition, selection of one of the links on the wireless device causes additional content to be downloaded to the wireless device from a remote data source and output on the wireless device. Additionally, the user is allowed to name the link to the linked content. Further, a user is allowed to configure an email service for accessing email messages on the wireless device. The content is transmitted to the wireless device via a wireless link. Additionally, a preview is output of a display screen of the wireless device. The preview includes both textual and graphical content simultaneously and depicts how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other. Also, the content output by the wireless device includes a web search service. The user is allowed to access the web search service from the wireless device. Note page 2, lines 3-14; page 2, line 26 - page 3, line 4; page 9, lines 10-27; and page 12, line 24 - page 13, line 5, for example.

- 9 -

With respect to a summary of Claim 36, as shown in Figures 3, a method is provided for structuring navigation data in a wireless publisher. In use, content selected for output on a wireless device is aggregated in a habitat having views (e.g. see item 302 of Figure 3, etc.). Also, each of the views has windows associated therewith. An identifier of each of the views is depicted in a navigation tree (e.g. see item 304 of Figure 3, etc.). Further, identifiers of the windows are shown under the identifier of the associated view in the navigation tree (e.g. see item 306 of Figure 3, etc.). In addition, links of the windows are displayed under the identifiers of the associated windows (e.g. see item 308 of Figure 3, etc.). Linking from one window in one view to another window in another view is allowed using the navigation tree (e.g. see item 310 of Figure 3, etc.). See page 9, lines 10-18, for example.

With respect to a summary of Claim 38, as shown in Figure 1 and 3, a method is provided for presenting a preview of content on a display of a wireless device. In use, content selected for output on a wireless device is aggregated in a habitat views (e.g. see item 302 of Figure 3, etc.). The content is displayed on a management screen (e.g. see item 102 of Figure 1, etc.) amenable to allowing formatting of the content. Further, a preview of a display screen of the wireless device is output. The preview includes both textual and graphical content simultaneously. Also, the preview depicts how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other. Note page 2 line 26 – page 3, line 4, for example.

With respect to a summary of Claim 40, as shown in Figure 3, a method is provided for managing content for output on a wireless device. In use, a user is allowed to select content for output on a wireless device. At least a portion of the content selected for output on the wireless device is aggregated in a habitat (e.g. see item 302 of Figure 3, etc.). Further, content selected for output on a wireless device is displayed on a management screen. The wireless device is at least one of a personal digital assistant (PDA), a handheld computer, a wireless telephone, and a pager. Additionally, a user is allowed to spatially organize the content thereby defining how the content will be spatially organized on the wireless device. Further, a user is allowed to create a link to content where the link is output on the wireless device. In addition, the selection of the link on the wireless device causes additional content to be downloaded to the wireless device from a remote data source and output on the wireless device. Moreover, a user is allowed to

- 10 -

configure an email service for accessing email messages on the wireless device. The content is transmitted to the wireless device via a wireless link. Additionally, the content output by the wireless device includes a web search service and the user is allowed to access the web search service from the wireless device. Note page 2 lines 3-6; page 2 line 26 – page 3, line 4; page 12 line 24 – page 13, line 5; and page 19 lines 9-27, for example.

- 11 -

VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. §**41.37(c)(1)(vi))**

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue # 1: The Examiner has rejected Claims 1, 3, 4, 7, 9-13, 16, 18-22, 25, 27, and 38-39 under 35 U.S.C. 103(a) as being anticipated by the Firepad FireViewer Suite User's Guide, registered 7 March 2000, hereinafter Firepad, in view of "Palm Programming," by Glenn Bachmann, hereinafter Bachmann.

Issue # 2: The Examiner has rejected Claims 2, 28-29, 32, 34-35, and 40 under 35 U.S.C. 103(a) as being unpatentable of Firepad in view of Bachmann, in further view of Martin, Jr. et al. (U.S. Patent No. 6,610,105), hereinafter Martin.

Issue # 3: The Examiner has rejected Claims 5, 6, 8, 14, 15, 17, 23, 24, 26, 30, 31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Firepad, in view of Shinbori (U.S. Patent No. 4,661,000).

Issue # 4: The Examiner has rejected Claims 36-37 under 35 U.S.C. 103(a) as being unpatentable over Firepad.

Issue # 5: The Examiner has rejected Claims 41-44 under 35 U.S.C. 103(a) as being unpatentable over Firepad, in view of Bachmann, in view of Martin, in further view of Maes et al. (U.S. Patent No. 6,016,476), hereinafter Maes.

- 12 -

VII ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

Issue # 1:

The Examiner has rejected Claims 1, 3, 4, 7, 9-13, 16, 18-22, 25, 27, and 38-39 under 35 U.S.C. 103(a) as being anticipated by the Firepad FireViewer Suite User's Guide, registered 7 March 2000, hereinafter Firepad, in view of "Palm Programming," by Glenn Bachmann, hereinafter Bachmann.

Group #1: Claims 1, 3, 4, 7, 9-13, 16, 18-22, 25, 27, and 38-39

With respect to independent Claims 1, 10, 19, and 38, the Examiner has relied upon pages 21-23 in Firepad to make a prior art showing of appellant's claimed technique for "allowing organization of the content; allowing formatting of the content; allowing creation of a link to content; allowing addition of text for output on the wireless device; outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other" (see this or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the Examiner's argument that the Firepad excerpt discloses the organization of the content being "performed automatically by the FireViewer of pp. 21-23 that allows selection and viewing of content by content type" is erroneous on several points.

First, what is disclosed in Firepad at pp. 21-23 is not really *allowing* organization of the content. Rather, it appears that icons for the various content items (image, hypertext document, video) appear to the left on the Main View. In the images example, images are indicated by a flame icon to the left on the Main View. Page 21 of Firepad suggests that the user can select an image by tapping and releasing the image name from the Main View. In the hypertext documents example, documents are indicated by a document icon to the left on the Main View. The user

- 13 -

can select a document by tapping and releasing the document name from the Main View, as disclosed on page 22 of Firepad. In the videos example, videos are indicated by a document icon to the left on the Main View. Per page 23 of Firepad, the user can select a video by tapping and releasing the video name from the Main View. Thus, the icons are present on the Main View, but Appellant has been unable to find any indication that Firepad allows anyone or anything to organize the icons, much less the content. Rather, it appears that the icons are merely present to the left of the Main View in no particular order, and there is certainly no disclosure or suggestion that the content represented by the icons are organized in a manner where someone or something has been *allowed* to organize them.

Second, the rejection appears to insinuate that because a user can view content by content type, then FireViewer must somehow organize the content by content type. Again, as mentioned above, the content is represented by icons on the left of the Main View. No organization of the content is suggested. The type of content is indicated by the type of icon. However, the mere fact that a user can open a document by selecting a document icon does not mean that the content is organized in any particular manner.

Third, assuming *arguendo* that FireViewer does in fact *automatically* organize the content as stated in the rejection, then it cannot be said that FireViewer *allows* organization of the content as required by the claim. Rather, by automatically organizing the content, FireViewer in actuality would not *allow* organization of the content, it would simply do it.

Fourth, the section of Firepad cited in the rejection to anticipate the requirement of allowing organization of content discusses FireViewer, which is resident on the device, not on a management screen as claimed.

Fifth, nowhere does Firepad or Bachmann teach or suggest that once someone or something is *allowed* to organize the content, the content *as organized* is shown on a preview of a display screen of the device.

- 14 -

Finally, even if Bachmann's preview capabilities were added to Firepad, the combination would still not meet the claims, because FireViewer is unable to depict organized and formatted textual and graphical content simultaneously on one screen.

In the Advisory Action mailed 04/19/2006, the Examiner argued that 'Firepad p.22 discloses 'the options to change the image's category and set the image as private,' as well as renaming a hypertext document.' The Examiner continued to argue that "[t]hese actions are organizational actions, and therefore allow Firepad users to organize content." However, appellant respectfully asserts that the "options to change the image's category and set the image as private" merely refer to the image details. Firepad discloses on page 22 that "[t]he Image Details dialog box presents information about the image such as the Width, Height, Size and Type." Appellant asserts that merely setting such image details simply fails to suggest the technique for "allowing organization of the content" (emphasis added), as claimed by appellant.

Further, in the Advisory Action mailed 04/19/2006, the Examiner argued that "Firepad teaches the ability to convert hypertext documents, which are notoriously well-known in the art to include both graphical and textual information." Appellant respectfully disagrees with this assertion, especially in view of the specific context of appellant's claim language. First, in the Office Action mailed 01/30/2006, the Examiner admitted that "Firepad fails to explicitly teach a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the screen of the wireless device relative to each other." Further, appellant agrees that the cited excerpts from the Firepad reference simply fail to even suggest a "preview including both textual and graphical content simultaneously" (emphasis added), as claimed by appellant.

In addition, pages 38-39 from Bachmann merely disclose the Palm OS Emulator, POSE. Appellant respectfully asserts that POSE allows for "emulation of the Palm OS... so you can run, test, and debug your application without downloading it to a Palm device." However, emulating the Palm OS ROM with POSE simply fails to even suggest "a preview including both textual and graphical content simultaneously" (emphasis added), as claimed by appellant.

- 15 -

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

Issue # 2:

The Examiner has rejected Claims 2, 28-29, 32, 34-35, and 40 under 35 U.S.C. 103(a) as being unpatentable of Firepad in view of Bachmann, in further view of Martin, Jr. et al. (U.S. Patent No. 6,610,105), hereinafter Martin.

Group #1: Claims 28-29, 32, 34-35, and 40

With respect to the independent Claims 28 and 40, the claims include limitations similar (but not necessarily identical) to those of Claim 1 argued in Issue # 1, Group #1. Accordingly, Claims 28 and 40 are deemed allowable at least for similar reasons.

Further, appellant asserts that pages 15-16 in Firepad disclose only providing web archive support. As noted there, web pages are prepared for storage on the device itself and must be stored on the device prior to selection of the link. However, appellant asserts that the excerpts from Firepad relied upon by the Examiner simply fail to suggest a technique "wherein selection of one of the links on the wireless device causes additional content to be downloaded to the

- 16 -

wireless device from a remote data source and output on the wireless device” (emphasis added), as claimed by appellant.

In addition, Firepad further fails to teach or suggest a technique “wherein the user is allowed to access the web search service from the wireless device,” as claimed by appellant. Support for this limitation is found on p. 18, line 29 to p. 19, line 26.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Group #2: Claim 2

With respect to dependent Claim 2, the Examiner has relied upon Fig. 3A, and Col. 8, lines 17-26 in Martin to make a prior art showing of appellant’s claimed technique “wherein the content is first aggregated in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device.”

Appellant respectfully asserts that the Figure and excerpt from Martin disclose that “the image representation associated with the mobile navigation metaphor 302 reflects enough of the details of what is depicted on the display screen of the mobile device so that a user is provided with a similar navigation experience regardless of whether using the PC or the mobile device” (emphasis added). However, merely representing enough of the details simply fails to disclose a technique “wherein each view of the habitat represents content to be displayed in a particular view on the wireless device” (emphasis added), as claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

- 17 -

Issue # 3:

The Examiner has rejected Claims 5-6, 8, 14-15, 17, 23-24, 26, 30-31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Firepad, in view of Shinbori (U.S. Patent No. 4,661,000).

Group #1: Claims 5-6, 8, 14-15, 17, 23-24, and 26

Appellant respectfully asserts that such claims are not met by the prior art for the reasons argued with respect to Issue #1, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Group #2: Claims 30-31, and 33

Appellant respectfully asserts that such claims are not met by the prior art for the reasons argued with respect to Issue #2, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 4:

The Examiner has rejected Claims 36-37 under 35 U.S.C. 103(a) as being unpatentable over Firepad.

Group #1: Claims 36-37

With respect to independent Claim 36, the Examiner has argued "that it would have been obvious ... to include a navigation tree for switching between views." Appellant respectfully

- 18 -

asserts that the excerpts from Firepad simply fail to disclose a technique for “allowing linking from one window in one view to another window in another view using the navigation tree,” as claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 5:

The Examiner has rejected Claims 41-44 under 35 U.S.C. 103(a) as being unpatentable over Firepad, in view of Bachmann, in view of Martin, in further view of Maes et al. (U.S. Patent No. 6,016,476), hereinafter Maes.

Group #1: Claims 41-42

Appellant respectfully asserts that such claims are not met by the prior art for the reasons argued with respect to Issue #2, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Group #2: Claims 43-44

Appellant respectfully asserts that such claims are not met by the prior art for the reasons argued with respect to Issue #1, Group #1.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

- 19 -

VIII CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii))

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (PREVIOUSLY PRESENTED) A method for managing content for output on a wireless device, comprising:
displaying content selected for output on a wireless device on a management screen, wherein the content is displayed substantially as it will be displayed on the wireless device;
allowing organization of the content;
allowing formatting of the content;
allowing creation of a link to content;
allowing addition of text for output on the wireless device; and
outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other.
2. (PREVIOUSLY PRESENTED) The method as recited in claim 1, wherein the content is first aggregated in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device.
3. (PREVIOUSLY PRESENTED) The method as recited in claim 1, wherein a graphic is imported directly from a data source for output on the wireless device at a user-designated position relative to other content when output on the display screen of the wireless device.
4. (ORIGINAL) The method as recited in claim 1, wherein a link is dragged and dropped into the management screen.

- 20 -

5. (ORIGINAL) The method as recited in claim 1, wherein a maximum character length of text content displayed upon selection of a link on the wireless device is configurable.
6. (ORIGINAL) The method as recited in claim 1, wherein a number of lines of text content displayed upon selection of a link on the wireless device is configurable.
7. (ORIGINAL) The method as recited in claim 1, wherein the content is a table.
8. (PREVIOUSLY PRESENTED) The method as recited in claim 1, wherein at least one of a maximum character length and a number of lines of text content displayed upon selection of a link on the wireless device is configurable, wherein a full text of the text content is output on the wireless device upon receiving a request from the user.
9. (ORIGINAL) The method as recited in claim 1, wherein the wireless device is at least one of a personal digital assistant (PDA), a handheld computer, a wireless telephone, a device connected to a wireless modem, a pager, and a standard telephone that transmits text-to-speech audio output.
10. (PREVIOUSLY PRESENTED) A computer program product for managing content for output on a wireless device, comprising:
computer code for displaying content selected for output on a wireless device on a management screen, wherein the content is displayed substantially as it will be displayed on the wireless device;
computer code for allowing organization of the content;
computer code for allowing formatting of the content;
computer code for allowing creation of a link to content;
computer code for allowing addition of text for output on the wireless device; and
computer code for outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other.

- 21 -

11. (ORIGINAL) The computer program product as recited in claim 10, wherein the content is first aggregated in a habitat.
12. (ORIGINAL) The computer program product as recited in claim 10, wherein a graphic is imported directly from a data source for output on the wireless device.
13. (ORIGINAL) The computer program product as recited in claim 10, wherein a link is dragged and dropped into the management screen.
14. (ORIGINAL) The computer program product as recited in claim 10, wherein a maximum character length of text content displayed upon selection of a link on the wireless device is configurable.
15. (ORIGINAL) The computer program product as recited in claim 10, wherein a number of lines of text content displayed upon selection of a link on the wireless device is configurable.
16. (ORIGINAL) The computer program product as recited in claim 10, wherein the content is a table.
17. (PREVIOUSLY PRESENTED) The computer program product as recited in claim 10, wherein at least one of a maximum character length and a number of lines of text content displayed upon selection of a link on the wireless device is configurable, wherein a full text of the text content is output on the wireless device upon receiving a request from the user.
18. (ORIGINAL) The computer program product as recited in claim 10, wherein the wireless device is at least one of a personal digital assistant (PDA), a handheld computer, a wireless telephone, a device connected to a wireless modem, a pager, and a standard telephone that transmits text-to-speech audio output.

- 22 -

19. (PREVIOUSLY PRESENTED) A system for managing content for output on a wireless device, comprising:
logic for displaying content selected for output on a wireless device on a management screen, wherein the content is displayed substantially as it will be displayed on the wireless device;
logic for allowing organization of the content;
logic for allowing formatting of the content;
logic for allowing creation of a link to content; and
logic for allowing addition of text for output on the wireless device; and
logic for outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other.
20. (ORIGINAL.) The system as recited in claim 19, wherein the content is first aggregated in a habitat.
21. (ORIGINAL.) The system as recited in claim 19, wherein a graphic is imported directly from a data source for output on the wireless device.
22. (ORIGINAL.) The system as recited in claim 19, wherein a link is dragged and dropped into the management screen.
23. (ORIGINAL.) The system as recited in claim 19, wherein a maximum character length of text content displayed upon selection of a link on the wireless device is configurable.
24. (ORIGINAL.) The system as recited in claim 19, wherein a number of lines of text content displayed upon selection of a link on the wireless device is configurable.
25. (ORIGINAL.) The system as recited in claim 19, wherein the content is a table.

- 23 -

26. (PREVIOUSLY PRESENTED) The system as recited in claim 19, wherein at least one of a maximum character length and a number of lines of text content displayed upon selection of a link on the wireless device is configurable, wherein a full text of the text content is output on the wireless device upon receiving a request from the user.
27. (ORIGINAL) The system as recited in claim 19, wherein the wireless device is at least one of a personal digital assistant (PDA), a handheld computer, a wireless telephone, a device connected to a wireless modem, a pager, and a standard telephone that transmits text-to-speech audio output.
28. (PREVIOUSLY PRESENTED) A method for managing content for output on a wireless device, comprising:
- allowing a user to select content for output on a wireless device;
 - aggregating at least a portion of the content selected for output on the wireless device in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device;
 - displaying the content on a management screen;
 - allowing a user to spatially organize the content as it will be output on the wireless device;
 - allowing a user to create a collection of links to content, the links being output on the wireless device, wherein selection of one of the links on the wireless device causes additional content to be downloaded to the wireless device from a remote data source and output on the wireless device;
 - wherein the user is allowed to name the link to the linked content;
 - allowing a user to configure an email service for accessing email messages on the wireless device;
 - transmitting the content to the wireless device via a wireless link;
 - outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other;

- 24 -

wherein the content output by the wireless device includes a web search service, wherein the user is allowed to access the web search service from the wireless device.

29. (ORIGINAL) The method as recited in claim 28, wherein a link is dragged and dropped in the management screen.
30. (ORIGINAL) The method as recited in claim 28, wherein a maximum character length of text content displayed upon selection of a link on a wireless device is configurable.
31. (ORIGINAL) The method as recited in claim 28, wherein a number of lines of text content displayed upon selection of a link on the wireless device is configurable.
32. (ORIGINAL) The method as recited in claim 28, wherein the content is a table.
33. (PREVIOUSLY PRESENTED) The method as recited in claim 28, wherein at least one of a maximum character length and a number of lines of text content displayed upon selection of a link on the wireless device is configurable, wherein a full text of the text content is output on the wireless device upon receiving a request from the user.
34. (ORIGINAL) The method as recited in claim 28, wherein the wireless device is at least one of a personal digital assistant (PDA), a handheld computer, a wireless telephone, a device connected to a wireless modem, a pager, and a standard telephone that transmits text-to-speech audio output.
35. (PREVIOUSLY PRESENTED) The method as recited in claim 28, wherein the wireless device is a wireless telephone.
36. (PREVIOUSLY PRESENTED) A method for structuring navigation data in a wireless publisher, comprising:
aggregating content selected for output on a wireless device in a habitat having views, each of the views having windows associated therewith;
depicting an identifier of each of the views in a navigation tree;

- 25 -

showing identifiers of the windows under the identifier of the associated view in the navigation tree;

displaying links of the windows under the identifiers of the associated windows; and

allowing linking from one window in one view to another window in another view using the navigation tree.

37. (PREVIOUSLY PRESENTED) The method as recited in claim 36, wherein a link is created in a window upon dragging a link onto the identifier of the window in the navigation tree.

38. (PREVIOUSLY PRESENTED) A method for presenting a preview of content on a display of a wireless device, comprising:

aggregating content selected for output on a wireless device in a habitat;

displaying the content on a management screen amenable to allowing formatting of the content; and

outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other.

39. (ORIGINAL) The method as recited in claim 38, wherein the preview further includes a depiction of a chassis of the wireless device.

40. (PREVIOUSLY PRESENTED) A method for managing content for output on a wireless device, comprising:

allowing a user to select content for output on a wireless device;

aggregating at least a portion of the content selected for output on the wireless device in a habitat;

displaying content selected for output on a wireless device on a management screen, wherein the wireless device is at least one of a personal digital assistant (PDA), a handheld computer, a wireless telephone, and a pager;

- 26 -

allowing a user to spatially organize the content thereby defining how the content will be spatially organized on the wireless device;

allowing a user to create a link to content, the link being output on the wireless device, wherein selection of the link on the wireless device causes additional content to be downloaded to the wireless device from a remote data source and output on the wireless device;

allowing a user to configure an email service for accessing email messages on the wireless device;

transmitting the content to the wireless device via a wireless link;

wherein the content output by the wireless device includes a web search service, wherein the user is allowed to access the web search service from the wireless device.

41. (ORIGINAL) The method as recited in claim 40, further comprising formatting text content for audible output on the wireless device.
42. (ORIGINAL) The method as recited in claim 40, further comprising formatting text content for audible output on a wired device.
43. (ORIGINAL) The method as recited in claim 1, further comprising formatting text content for audible output on the wireless device.
44. (ORIGINAL) The method as recited in claim 1, further comprising formatting text content for audible output on a wired device.

- 27 -

IX EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix))

There is no such evidence.

THIS PAGE BLANK (USPTO)

- 28 -

X RELATED PROCEEDING APPENDIX (37 C.F.R. § 41.37(c)(1)(x))

There is no such related proceeding.

THIS PAGE BLANK (USPTO)

- 29 -

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NVIDP376/P002188).

Respectfully submitted,

By:  _____Date: 9/21/06

Kevin J. Zilka

Reg. No. 41,429

Zilka-Kotab, P.C.

P.O. Box 721120

San Jose, California 95172-1120

Telephone: (408) 971-2573

Facsimile: (408) 971-4660



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,929	07/10/2001	Wasiq Mahood Bokhari	CLICP014	9241
28875	7590	08/22/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			ART UNIT	PAPER NUMBER

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	09/902,929	BOKHARI ET AL.	
	Examiner	Art Unit	
	MICHAEL ROSWELL	2173	

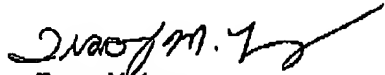
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 31 July 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (Including any explanation in support of the above items):

4. Independent claims 1, 10, & 19 must be separately mapped to specification by page and line number or paragraph number and/or drawings, if any.


 Tracey M. Young
 Patent Appeals Specialist